

P 15913

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
ORDER

Application 23038 Permit 15913 License _____

**ORDER APPROVING A NEW DEVELOPMENT SCHEDULE AND AMENDING THE
PREMIT**

WHEREAS:

1. Permit 15913 was issued to Firco, Inc. on November 7, 1963 and subsequently assigned to Brooktrails Community Services District on January 29, 1976.
2. A petition for an Extension of Time in which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board (SWRCB) on June 9, 1997.
3. The permittee has proceeded with diligence and good cause has been shown for said extension of time.
4. Permit condition pertaining to continuing authority of the SWRCB should be updated to conform to Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. A new development schedule is approved as follows:

Complete application of the water to the proposed use shall be made by December 31, 2008. (0000009)

2. A continuing authority condition shall be updated and read as follows:

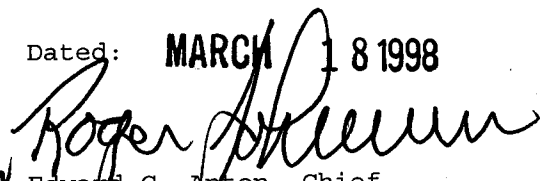
Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining,

and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

Dated: **MARCH 18 1998**


61 Edward C. Anton, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 23038

PERMIT 15913

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE AND
AMENDING THE PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. A new development schedule is approved as follows:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 1, 1993 (0000009)

2. Paragraph 11 of this permit is deleted. A new Paragraph 11 is added as follows:

Pursuant to California Water Code Sections 100 and 275, and the public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses, prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) to installing, maintain-ing, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action takes into account the public interest and is necessary to protect public trust uses. All such actions shall conform to the standard of reasonableness contained in Article X, Section 2 of the California Constitution.

(0000011)

3. Paragraph 20 is added to this permit as follows:

Permittee shall consult with the Division of Water Rights and the Department of Water Resources, and develop and implement a water conservation plan or actions. The proposed plan or actions shall be presented to the Board for approval within one year from the date of this permit (order) or such further time as may, for good cause shown, be allowed by the Board. A progress report on the development of a water conservation plan may be required by the Board within this period.

(0000029)

Dated: MAY 2 1984

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 23038

PERMIT 15913

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. It appears that the permittee has proceeded with diligence and that good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

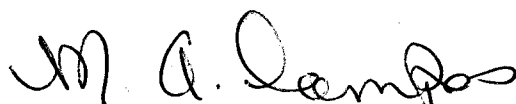
1. A new development schedule is approved as follows:

APPLICATION OF THE WATER TO THE PROPOSED
USE SHALL BE COMPLETED ON OR BEFORE

DECEMBER 1, 1983

2. Paragraph 11 of the permit is replaced by Section 761(a), Title 23, California Administrative Code (attached), (0000009)
(0000011)

Dated: JUNE 13 1979



Michael A. Campos, Chief
Division of Water Rights

Attachment

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 23038

PERMIT 15913

LICENSE _____

ORDER ALLOWING CHANGE IN PURPOSE OF USE,
DISTRIBUTION OF STORAGE, POINTS OF DIVERSION, PLACE OF USE,
AND ADDING AND AMENDING PERMIT TERMS

WHEREAS:

1. A petition has been received requesting change in purpose of use, distribution of storage, points of diversion, and place of use of Permit 15913.

2. The State Water Resources Control Board has found that the change in purpose of use, distribution of storage, points of diversion, and place of use under said Permit 15913 for which said petition was submitted will not operate to the injury of any other legal user of water.

3. The Board has approved and allowed said change and has directed that an order be issued to describe said purpose of use, distribution of storage, points of diversion, and place of use in accordance with said petition.

NOW THEREFORE IT IS ORDERED that permission is hereby granted to:

1. Change the purposes of use under said Permit 15913 to purposes of use as follows:

DOMESTIC, RECREATIONAL, AND IRRIGATION

2. Change the distribution of storage under Permit 15913 as follows:

270 ACRE-FEET PER ANNUM TO BE STORED AT BROOKTRAILS
DAM NO. 3 RESERVOIR (POINT OF DIVERSION NO. 2)

30 ACRE-FEET PER ANNUM TO BE STORED AT BROOKTRAILS
SOUTH LAKE (POINT OF DIVERSION NO. 3)

3. Change the points of diversion as follows:

POINTS OF DIVERSION NO. 1 (DIRECT DIVERSION
BROOKTRAILS DAM NO. 3 NORTH) AND NO. 2
(STORAGE AT BROOKTRAILS DAM NO. 3 NORTH
RESERVOIR):

SOUTH $30^{\circ}39'39''$ EAST 2,003.72 FEET FROM NW CORNER OF
SECTION 2, T18N, R14W, MDB&M, BEING WITHIN $SW\frac{1}{4}$ OF
 $NW\frac{1}{4}$ OF SAID SECTION 2 AS SHOWN ON MAPS FILED WITH
STATE WATER RESOURCES CONTROL BOARD.

POINT OF DIVERSION NO. 3 (STORAGE AT SOUTH LAKE
RESERVOIR):

SOUTH $68^{\circ}36'38''$ WEST 2,105.00 FEET FROM NE CORNER OF
SECTION 11, T18N, R14W, MDB&M, BEING WITHIN $NW\frac{1}{4}$ OF
 $NE\frac{1}{4}$ OF SAID SECTION 11,

BOTH POINTS OF DIVERSION ARE AS SHOWN ON MAPS FILED
WITH STATE WATER RESOURCES CONTROL BOARD

4. Change the place of use under Permit 15913 as follows:

RECREATIONAL USE ONLY AT SOUTH LAKE RESERVOIR WITHIN
 $NW\frac{1}{4}$ OF $NE\frac{1}{4}$ AND $NE\frac{1}{4}$ OF $NW\frac{1}{4}$ OF SECTION 11, T18N, R14W,
MDB&M, AND AT BROOKTRAILS DAM NO. 3 RESERVOIR WITHIN
 $W\frac{1}{2}$ OF $NW\frac{1}{4}$ OF SECTION 2 and $NE\frac{1}{4}$ OF $NE\frac{1}{4}$ OF SECTION 3,
T18N, R14W, MDB&M; IRRIGATION OF 11.08 ACRES WITHIN
 $W\frac{1}{2}$ OF $NE\frac{1}{4}$ AND $E\frac{1}{2}$ OF $NW\frac{1}{4}$ OF SECTION 2, T18N, R14W,
MDB&M AND $SE\frac{1}{4}$ OF $SW\frac{1}{4}$ AND $SW\frac{1}{4}$ OF $SE\frac{1}{4}$ OF SECTION 35,
T19N, R14W, MDB&M; AND DOMESTIC USE WITHIN THE
BOUNDARY OF BROOKTRAILS RESORT IMPROVEMENT DISTRICT
WITHIN SECTIONS 2, 3, 4, 10, 11, 12, and 15, T18N,
R14W, MDB&M, AND SECTIONS 32, 33, 34, and 35, T19N,
R14W, MDB&M; ALL AS SHOWN ON MAPS FILED WITH STATE
WATER RESOURCES CONTROL BOARD.

IT IS FURTHER ORDERED:

1. That paragraph 11 of the permit be amended to read
as follows:

"PURSUANT TO CALIFORNIA WATER CODE SECTION 100
ALL RIGHTS AND PRIVILEGES UNDER THIS PERMIT
AND UNDER ANY LICENSE ISSUED PURSUANT THERETO,
INCLUDING METHOD OF DIVERSION, METHOD OF USE,
AND QUANTITY OF WATER DIVERTED, ARE SUBJECT
TO THE CONTINUING AUTHORITY OF THE STATE WATER
RESOURCES CONTROL BOARD IN ACCORDANCE WITH LAW
AND IN THE INTEREST OF THE PUBLIC WELFARE TO
PREVENT WASTE, UNREASONABLE USE, UNREASONABLE

METHOD OF USE, OR UNREASONABLE METHOD OF DIVERSION OF SAID WATER.

THIS CONTINUING AUTHORITY OF THE BOARD MAY BE EXERCISED BY IMPOSING SPECIFIC REQUIREMENTS OVER AND ABOVE THOSE CONTAINED IN THIS PERMIT WITH A VIEW TO MINIMIZING WASTE OF WATER AND TO MEETING THE REASONABLE WATER REQUIREMENTS OF PERMITTEE WITHOUT UNREASONABLE DRAFT ON THE SOURCE. PERMITTEE MAY BE REQUIRED TO IMPLEMENT SUCH PROGRAMS AS (1) REUSING OR RECLAIMING THE WATER ALLOCATED; (2) RESTRICTING DIVERSIONS SO AS TO ELIMINATE AGRICULTURAL TAILWATER OR TO REDUCE RETURN FLOW; (3) SUPPRESSING EVAPORATION LOSSES FROM WATER SURFACES; (4) CONTROLLING PHREATHOPHYTIC GROWTH; AND (5) INSTALLING, MAINTAINING, AND OPERATING EFFICIENT WATER MEASURING DEVICES TO ASSURE COMPLIANCE WITH THE QUANTITY LIMITATION OF THIS PERMIT AND TO DETERMINE ACCURATELY WATER USE AS AGAINST REASONABLE WATER REQUIREMENTS FOR THE AUTHORIZED PROJECT. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD DETERMINES, AFTER NOTICE TO AFFECTED PARTIES AND OPPORTUNITY FOR HEARING, THAT SUCH SPECIFIC REQUIREMENTS ARE PHYSICALLY AND FINANCIALLY FEASIBLE AND ARE APPROPRIATE TO THE PARTICULAR SITUATION." (0000011)

2. That the following term be added to the permit:

USE OF WATER UNDER THIS PERMIT SHALL BE SUBJECT TO THE TERMS OF THAT CERTAIN MEMORANDUM OF AGREEMENT DATED SEPTEMBER 6, 1974, BETWEEN THE PERMITTEE AND THE CALIFORNIA DEPARTMENT OF FISH AND GAME AND PLACED ON RECORD IN THE OFFICE OF THE STATE WATER RESOURCES CONTROL BOARD TO THE EXTENT THAT THE PROVISION OF THE SAID MEMORANDUM OF AGREEMENT RELATES TO MATTERS WITHIN THE JURISDICTION OF THE BOARD.

3. That the following term be added to the permit:

THE TWO RESERVOIRS UNDER THIS PERMIT SHALL BE KEPT OPEN TO THE PUBLIC FOR RECREATIONAL USE, SUBJECT TO A REASONABLE CHARGE FOR ANY SERVICES OR FACILITIES THAT ARE PROVIDED BY PERMITTEE, AND SUBJECT TO THE FOLLOWING RESTRICTIONS RESPECTING BROOKTRAILS RESERVOIR #3 (POINT OF DIVERSION #2 - NORTH DAM RESERVOIR) TO INSURE THAT THE QUALITY OF THE WATER IN SAID RESERVOIR WILL BE SAFE AND POTABLE FOR ITS PRIMARY USE AS A DOMESTIC WATER SUPPLY: (1) THERE SHALL BE NO BOATING OF ANY SORT ON SAID RESERVOIR; (2) THERE SHALL BE NO PHYSICAL BODILY CONTACT WITH THE WATER IN SAID RESERVOIR BY PERSONS OR ANIMALS; (3) THERE SHALL BE NO PICNICING, NO HIKING, AND NO HORSEBACK RIDING TRAILS WITHIN 100 LINEAL FEET OF THE HIGH WATER LINE OF SAID RESERVOIR. FAILURE TO ALLOW SUCH PUBLIC ACCESS MAY RESULT IN REVOCATION OF THE PERMIT OR REDUCTION IN THE AMOUNT OF WATER THAT MAY BE STORED.

DATED: JUN 25 1975

R. L. Rosenberger
R. L. ROSENBERGER, CHIEF
DIVISION OF WATER RIGHTS

ATTACHMENT

Standard permit term of Section 761a, Title 23, California Administrative Code:

Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) to installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

(0000012)

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT No. 15913

Application 23038 of Brooktrails Resort Improvement District

P. O. Box 296, Willits, California

filed on May 1, 1968, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Willits Creek

Mill Creek thence

Outlet Creek thence

Eel River

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
Direct Diversion: N 4,850' & W 2,300' from SE Corner of Section 11	NW ¼ of NE ¼	11			
Reservoir No. 1 - lower: N 2,312' and W 1,612' from SE Corner of Section 11	NW ¼ of SE ¼	11			
Reservoir No. 2 - upper: S 1,757' and E 904' from NW Corner of Section 2	SW ¼ of NW ¼	2	18N	14W	MD
	¼ of ¼				
	¼ of ¼				
	¼ of ¼				

County of Mendocino

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridian	Acres
Recreational	Reservoirs	2,11	18N	14W		
Domestic	Within the boundaries of					
	Brooktrails Resort Improvement					
	District in Sections 2, 3, 4, 5, 10,					
	11, 12, and 15		18N	14W		
	Sections 17, 18, 19, 20, 21					
	22, 27, 28, 29, 32, 33, 34 & 35		19N	14W	MD	

The place of use is shown on map filed with the State Water Resources Control Board.

PERMIT **15913**

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 2.3 cubic feet per second by direct diversion to be diverted from January 1 to December 31 of each year, not to exceed 133 acre-feet annually, and 300 acre-feet per annum by storage to be collected from about September 1 of each year to about June 1 of the succeeding year. (0000005)

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (0000005)

6. The maximum quantity herein stated may be reduced in the license if investigation warrants. (0000006)

7. Actual construction work shall begin on or before June 1, 1970, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked. (0000007)

8. Said construction work shall be completed on or before December 1, 1972. (0000008)

9. Complete application of the water to the proposed use shall be made on or before December 1, 1975. (0000009)

10. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Resources Control Board until license is issued. (0000010)

11. All rights and privileges under this permit, including method of diversion, method of use and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water. (0000012)

12. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board, if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

13. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

5- The water appropriated shall be limited to the quantity which can be beneficially used, and shall not exceed

14. Permittee shall install and maintain outlet pipes of adequate capacity in his dams as near as practicable to the bottom of the natural stream channels, or provide other means satisfactory to the State Water Resources Control Board, in order that water entering the reservoirs or collected in the reservoirs during and after the current storage season may be released into the downstream channels to the extent necessary to satisfy downstream prior rights. (0050043)

15. In accordance with the requirements of Water Code Section 1393, permittee shall clear the site of the proposed reservoirs of all structures, trees, and other vegetation which would interfere with the use of the reservoirs for water storage and recreational purposes. (0120050)

16. Construction of the dams shall not be commenced until the Department of Water Resources has approved plans and specifications. (0130049)

17. Permittee shall install and maintain suitable measuring devices (a) upstream from the high water elevation of his lower reservoir (No. 1) and (b) immediately below his lower storage dam (No. 1) in order that accurate measurement can be made of the quantity of water flowing into and out of said reservoir. (0070400)

18. This permit is issued expressly subject to the terms of that certain stipulation dated May 29, 1969, between the applicant and California Department of Fish and Game and placed on record in the office of the State Water Resources Control Board, in connection with Application 23038, to the extent that the provisions of the agreement relate to matters within the jurisdiction of the Board. (0000999)

19. Permittee shall maintain the following flows into the channel of Willits Creek immediately below the lower of the two dams.

- (a) From the time said lower dam first spills after September 1 of each year through the end of April of the following year-- 3.0 c.f.s. or the natural surface and subsurface stream flow of the watershed as flows into the lower reservoir, whichever is less.
- (b) During the months of May and June of each year--1.5 c.f.s. or the natural surface and subsurface stream flow of the watershed as flows into the lower reservoir, whichever is less.
- (c) During the month of July--0.5 c.f.s. or the natural surface and subsurface stream flow of the watershed as flows into the lower reservoir, whichever is less.
- (d) From August 1 until said lower dam first spills thereafter-- no release.

The provisions of this paragraph are based upon a bilateral agreement between permittee and the Department of Fish and Game and shall not be construed as a finding by the State Water Resources Control Board that the amounts of water named herein are either adequate or required for the maintenance of fishlife. (0000999)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: NOV 7 1969

STATE WATER RESOURCES CONTROL BOARD

K. L. Woodward
Chief, Division of Water Rights

1-29-76 Name Changed to Brooktrails Community Services District